

BEST AVAILABLE COPY10/621,627
60,130-1790; 03MRA0203

identical disclosure to the features recited in the claims under §102. Figure 5 does not reasonably disclose or suggest to one of ordinary skill in the art a tone ring because Figure 5, in conjunction with the description in Reid (see col. 3, lines 31-34), discloses that the dotted line of 13a' represents the lateral movement of the wheel 13. Thus, one of ordinary skill in the art would not interpret Figure 5 as a tone ring as the Examiner suggests. For this reason, Reid does not anticipate claim 15, and Applicant respectfully requests that the rejection be withdrawn.

Claims 3, 4, 9, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of Bond. The Examiner again argues that it would have been obvious to modify Reid to include controlling a vehicle engine to limit the vehicle speed as taught by Bond "so as to better control the vehicle speed quickly, safely, and effectively." In the final Office Action (see page 6), the Examiner additionally argues that the combination of Reid and Bond would also provide "an improved and more reliable enhanced autonomous emergency braking system." Respectfully, Applicant disagrees that there is motivation to combine the references.

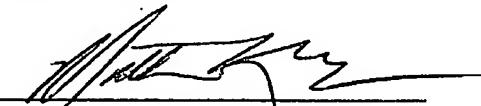
In Reid, movement of a disconnected wheel causes the brake system 23 to apply the brake and thereby prevent further movement of the wheel. The brakes are also applied to other vehicle wheels, but only to wheels on the same axle (see col. 4, line 65 to col. 5 line 4) to avoid jacking. Thus, in Reid, the goal is to prevent the wheel from flying off of the vehicle, not to stop the vehicle quickly. In contrast, the goal in Bond is to stop the vehicle quickly. In Bond, the controller 24 automatically applies the brakes and also reduces engine speed to stop the vehicle as quickly as possible to avoid an imminent collision. There is no motivation to modify Reid to include controlling a vehicle engine as taught by Bond because the disconnected tire of Reid is not an event that requires quick stopping. Indeed, if braking quickly in response to a disconnected wheel was desired, Reid surely would have applied the brakes of all the wheels and not only the wheels on the axle of the disconnected wheel. For this reason, there is no motivation to combine the cited references as the Examiner has suggested, and Applicant respectfully requests that the rejection be withdrawn.

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Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of Bond and further in view of Ehrlich. For the reasons stated above, there is no motivation to modify Reid with Bond. The Examiner relies upon Ehrlich for teaching the feature of an anti-lock brake system. The teachings of Ehrlich fail to provide motivation for combining Reid and Bond as described above. Therefore, claim 2 is allowable and Applicant respectfully requests that the rejection be withdrawn.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

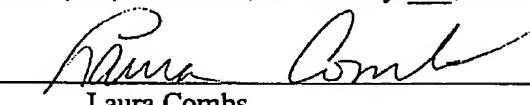


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on January 18, 2007.



Laura Combs